



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: January 5, 2006 Name: John Murray, Ph.D.

Signature: *John Murray*

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Dennis et al.

Appln. No.: 09/978,344

Filed: October 16, 2001

For: Detoxification and Decontamination Using
Nanotechnology Therapy

Attorney Docket No: 11509/8

Examiner: Kailash Srivastava

Art Unit: 1651

Mail Stop Patent Ext
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Request for Reconsideration of Patent Term Adjustment; Decision on Request for Reconsideration of Patent Term Adjustment filed June 27, 2005
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$25= | | | x \$50= | |
| Indep. | | Minus | | | x 100= | | | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | | + \$180= | | | + \$360= | |
| | | | | | Total | \$ | | Total | \$ |

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

John Murray

John Murray, Ph.D. (Reg. No. 44,251)

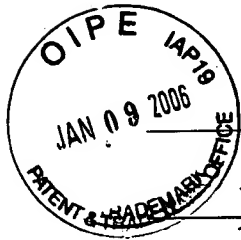
Jan 5, 2006
Date

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
January 5, 2006

Date of Deposit

Signature



Case No. 11509/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dennis *et al.*

Serial No: 09/978,344

Filed: October 16, 2001

For: Detoxification and
Decontamination Using
Nanotechnology Therapy

Examiner: Srivastava, Kailash

Group Art Unit: 1651

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705(b)

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on **April 7, 2005** indicating that the issue fee is due on **July 7, 2005**. A request for reconsideration of the patent term adjustment was submitted prior to the payment of the Issue Fee. A copy of the decision on this request is included herewith as **Appendix A**. The decision granted an adjustment of **490** days at

the time of the Notice of Allowance. The Applicants subsequently received an Issue Notification, included herewith as **Appendix B**, indicating an Issue Date of **December 20, 2005** and a Patent Term Adjustment of **415** days.

Applicants' Attorney believes that this patent is entitled to an additional patent term adjustment of **385** days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Applicants' Attorney believes that no petition fee pursuant to 37 C.F.R. § 1.18(e) is required because the Applicants have already paid this fee. However, if any additional fee is due, please charge the fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as **Appendix C**. Applicants' Attorney believe that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer.

Period of adjustment pursuant to 37 C.F.R. § 1.703

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed pursuant to 35 U.S.C. § 111(a), or fulfilled the requirements pursuant to 35 U.S.C. § 371, and ending on the date of mailing or either an action pursuant to 35 U.S.C. § 132 or a notice of allowance pursuant to 35 U.S.C. § 151, whichever comes first.

The present application was filed on **October 16, 2001** as evidenced by the filing receipt attached as **Appendix D**. The 14 month date specified in 37 C.F.R. § 1.703(a) is **December 16, 2002**. According to the PAIR system Patent Term Adjustment History, the first action on the merits by the U.S. Patent and Trademark Office in the present application was a requirement for restriction mailed on **June 16, 2004** and attached as **Appendix E**. Thus, Applicants' Attorney believes that the

difference between the 14 month date and the date of mailing of the first action on merits is **550 days**. The present application issued on December 20, 2005 (Appendix B). Because the Issue Fee was received on July 7, 2005, Applicants are entitled to an addition 45 days adjustment under 37 C.F.R. § 1.703(a)(6). Applicants' Attorney also believes that, as of the date of issue, the period of adjustment pursuant to 37 C.F.R. § 1.703(a) is **595 days**.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371 and ending on the date a patent was issued.

The present application was filed on **October 16, 2001**. The 3 year date specified in 37 C.F.R. § 1.703(b) is **October 16, 2004**. On the date of issue, the present application is believed to have exceeded the combined total of the 3 year date and the total amount of delay by **430** days. Applicants' Attorney believes that the period of adjustment under 37 C.F.R. § 1.703(b) is **430** days.

Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704

Period of adjustment pursuant to 37 C.F.R. § 1.704(b)

a. First Reduction

In the present application, a non-final rejection was mailed on **October 5, 2004**. The 3 month date to respond to this communication was **January 5, 2005**. A Response to this non-final rejection was mailed, with a certificate of mailing, on **January 4, 2005** and, according to the PAIR system Patent Term Adjustment History, received on **January 7, 2005**. Applicants' Attorney believes that the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is **2** days.

Period of adjustment pursuant to 37 C.F.R. § 1.704(c)(7)

b. Second Reduction

In the present application, a Notice of Missing Parts was mailed on **November 19, 2001**. The Applicants' response of **February 12, 2002** is indicated in the PAIR system Patent Term Adjustment History. A Notice of Incomplete Reply requesting that an Abstract be provided was

mailed on **March 12, 2002**. The Applicants responded to this notice on by facsimile on **March 18, 2002**. Applicants submit that the reduction in period of adjustment under 37 C.F.R. §1.704(c)(7) is 34 days.

c. Third Reduction

In the present application, the PAIR system Patent Term Adjustment History indicates that a response to a non-final Office Action was received on **January 7, 2005**. A Notice of Non-Compliant Amendment was mailed on **January 18, 2005**. The PAIR system Patent Term Adjustment History shows that Applicants' response to this notice was received on **January 31, 2005**. Applicants submit that the reduction in period of adjustment under 37 C.F.R. §1.704(c)(7) is 24 days.

The PAIR system Patent Term Adjustment History indicates an Applicant delay of 566 days. Applicants' submit that this calculation is not correct. Applicants note that PAIR system Patent Term Adjustment History does not contain a reference to the Notice of Incomplete Reply mailed on **March 12, 2002** or the Applicants' response by facsimile on **March 18, 2002**. Instead, the PAIR system Patent Term Adjustment History indicates that the Applicants' delay extends to **September 8, 2003** when Applicants are maintained to have submitted "a new specification to correct papers problems". This is not correct. The electronic file history shows that the **September 8, 2003** papers are instead related to Applicants' request to correct the inventorship of the application.

Period of adjustment pursuant to 37 C.F.R. § 1.704(c)(10)

d. Fourth Reduction

Drawings were submitted on August 23, 2005. The application issued on December 20, 2005. Applicants submit that the reduction in period of adjustment under 37 C.F.R. §1.704(c)(10) is **120** days.

Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37


C.F.R. § 1.704. Because of the above, Applicants believe that the total period of adjustment due to applicant delays is **180** days.

Thus, according to our calculations, we believe that the patent term adjustment should be **(595+430) days - (180) days = 845** days. We also believe that **45** days overlap occurred in the patent issue delay. This reduces the patent term adjustment to **800** days instead of **415** days indicated on Issue Notification. Applicants are entitled to an additional **385** days term adjustment.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicants' Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

Date: January 5, 2006

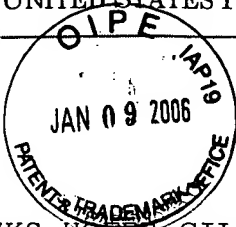

John Murray
Registration No. 44,251
Attorney for Applicants

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P.O. BOX 10395
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(312) 321-4200



UNITED STATES PATENT AND TRADEMARK OFFICE

APPENDIX A



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

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CHICAGO, IL 60610

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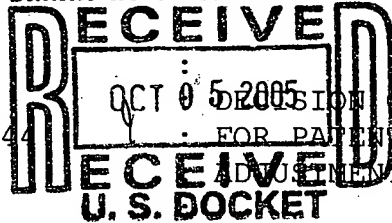
SEP 30 2005

In re Application of
Dennis, et al.

Application No. 09/978,344

Filed: October 16, 2001

Atty. Dkt. No.: 11509/8



OFFICE OF PETITIONS

DECISION ON APPLICATION

FOR PATENT TERM

ADJUSTMENT

U.S. DOCKET

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(b)" filed June 27, 2005.

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(b) is hereby GRANTED TO THE EXTENT INDICATED HEREIN.

Applicants request that the Determination of Patent Term Adjustment be corrected from zero days, as indicated on the Determination of Patent Term Adjustment mailed April 7, 2005, to an adjustment of 663 days.

The correct adjustment at the time of Notice of Allowance is 490 days. The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 490 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

In accordance with 37 C.F.R. § 1.702(a)(1), an adjustment of 550 days can be attributed to the Office¹.

The Office errantly entered September 8, 2003 as the date a proper response to the Notice to File Missing Parts, mailed November 19, 2001, rather than February 12, 2002, the date a response was in fact submitted.

¹ In accordance with 37 C.F.R. § 1.703(a)(1), the adjustment began December 17, 2002, the day after the date that is fourteen months after the date on which the application was filed, and ended June 18, 2004, the date the restriction requirement was mailed.

Accordingly, the adjustment of 550 days is reduced 34 days in accordance with 37 C.F.R. § 1.704(c)(7)².

The adjustment of 550 days is further reduced two days in accordance with 37 C.F.R. 1.704(b)³.

The adjustment of 550 days is further reduced 24 days in accordance with 37 C.F.R. § 1.704(c)(7)⁴.

The instant application for patent term adjustment also requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date. A decision as to the period of adjustment under 37 C.F.R. § 1.704(b) is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b).

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within three years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of 37 CFR 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Applicants are reminded that if an application is entitled to an adjustment under 35 USC 154(b)(1)(B), the entire period during which the application was pending before the Office (except for periods excluded under 35 USC 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 USC

² On March 12, 2002, a Notice of Incomplete Reply was mailed March 12, 2002 requiring submission of an abstract. The period of time for reply remained as set forth in the Notice to File Missing Parts. Accordingly, the reduction under 37 CFR 1.704(c)(7) began February 13, 2002, the day after the date that the initial response to the Notice to File Missing Parts was submitted, and ended March 18, 2002, the date the paper correcting the omission was filed.

³ The adjustment began January 6, 2005, the day after the date that is three months after the date that the non-final Office action was mailed, and ended January 7, 2005, the date a response was filed.

⁴ The adjustment began January 8, 2005, the day after the date that the initial non-compliant amendment was filed, and ended January 31, 2005, the date the paper correction the omission was filed.

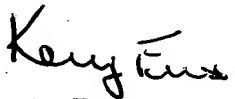
154(b)(1)(B) in determining whether periods of delay overlap under 35 USC 154(b)(2)(A):

Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See, 35 USC 154(b)(1)(B), 35 USC 154(b)(2)(A), and 37 CFR § 1.703(f). See, also, *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

Accordingly, the period of patent term adjustment as of the date of mailing of the Notice of Allowance is 490 days.

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

**PALM INTRANET**
 Day : Monday
 Date : 9/26/2005

Time : 14:28:31

PTA Calculations for Application: 09/978344

| | | | |
|--------------------------|------------|-------------------------|-----|
| Application Filing Date: | 10/16/2001 | PTO Delay (PTO): | 550 |
| Issue Date of Patent: | | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 592 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 490 |
| PTO Delay Adjustment: | 532 | | |

File Contents History

| Number | Date | Contents Description | PTO | APPL | START |
|--------|------------|--|-----|------|-------|
| 63 | 09/26/2005 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 34 | |
| 62 | 09/26/2005 | ADJUSTMENT OF PTA CALCULATION BY PTO | 566 | | |
| 50 | 04/07/2005 | MAIL NOTICE OF ALLOWANCE | | | |
| 49 | 04/07/2005 | MAIL EXAMINER'S AMENDMENT | | | |
| 48 | 04/06/2005 | ISSUE REVISION COMPLETED | | | |
| 47 | 04/06/2005 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 46 | 04/06/2005 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 45 | 04/06/2005 | EXAMINER'S AMENDMENT COMMUNICATION | | | |
| 44 | 04/06/2005 | NOTICE OF ALLOWABILITY | | | |
| 43 | 02/14/2005 | DATE FORWARDED TO EXAMINER | | | |
| 42 | 01/31/2005 | RESPONSE AFTER NON-FINAL ACTION | | 24 | 38 |
| 41 | 01/31/2005 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 40 | 01/18/2005 | MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT | | | |
| 39 | 01/18/2005 | DATE FORWARDED TO EXAMINER | | | |
| 38.1 | 01/07/2005 | INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION | | | |
| 38 | 01/07/2005 | RESPONSE AFTER NON-FINAL ACTION | | 2 | 36 |
| 37 | 01/07/2005 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 36 | 10/05/2004 | MAIL NON-FINAL REJECTION | | | |
| 35 | 10/01/2004 | NON-FINAL REJECTION | | | |
| 34 | 07/19/2004 | DATE FORWARDED TO EXAMINER | | | |
| 33 | 07/02/2004 | RESPONSE TO ELECTION / RESTRICTION FILED | | | |
| 32 | 07/02/2004 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 31 | 06/18/2004 | MAIL RESTRICTION REQUIREMENT | 550 | | -1 |
| 30 | 06/18/2004 | REQUIREMENT FOR RESTRICTION / ELECTION | | | |

| | | | | | |
|----|------------|--|--|-----|---|
| 29 | 05/26/2004 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 28 | 12/15/2003 | PRELIMINARY AMENDMENT | | | |
| 27 | 09/08/2003 | PRELIMINARY AMENDMENT | | | |
| 26 | 12/12/2002 | PRELIMINARY AMENDMENT | | | |
| 25 | 01/28/2004 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 24 | 10/01/2003 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 23 | 12/11/2001 | REFERENCE CAPTURE ON IDS | | | |
| 22 | 12/11/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 21 | 10/03/2003 | APPLICATION RETURN FROM OIPE | | | |
| 20 | 10/06/2003 | APPLICATION IS NOW COMPLETE | | | |
| 19 | 10/03/2003 | PRE-EXAM OFFICE ACTION WITHDRAWN | | | |
| 18 | 10/03/2003 | APPLICATION RETURN TO OIPE | | | |
| 17 | 10/02/2003 | APPLICATION RETURN FROM OIPE | | | |
| 16 | 10/03/2003 | APPLICATION IS NOW COMPLETE | | | |
| 15 | 10/02/2003 | APPLICATION RETURN TO OIPE | | | |
| 14 | 10/02/2003 | APPLICATION DISPATCHED FROM OIPE | | | |
| 13 | 10/02/2003 | APPLICATION IS NOW COMPLETE | | | |
| 12 | 09/08/2003 | ADDITIONAL APPLICATION FILING FEES | | 566 | 5 |
| 11 | 09/08/2003 | APPLICANT HAS SUBMITTED A NEW SPECIFICATION TO CORRECT CORRECTED PAPERS PROBLEMS | | | |
| 10 | 02/05/2003 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 9 | 02/06/2003 | CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA) | | | |
| 8 | 02/12/2002 | ADDITIONAL APPLICATION FILING FEES | | | |
| 7 | 02/12/2002 | A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC | | | |
| 6 | 02/12/2002 | APPLICANT HAS SUBMITTED A NEW SPECIFICATION TO CORRECT CORRECTED PAPERS PROBLEMS | | | |
| 5 | 11/19/2001 | NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED | | | |
| 3 | 11/16/2001 | CORRESPONDENCE ADDRESS CHANGE | | | |
| 2 | 10/29/2001 | IFW SCAN & PACR AUTO SECURITY REVIEW | | | |
| 1 | 10/16/2001 | INITIAL EXAM TEAM NN | | | |

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

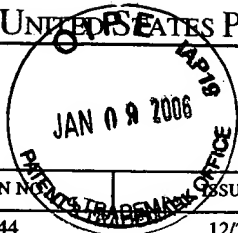
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UNITED STATES PATENT AND TRADEMARK OFFICE

APPENDIX B

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 09/978,344 | 12/20/2005 | 6977171 | 11509/8 | 4615 |

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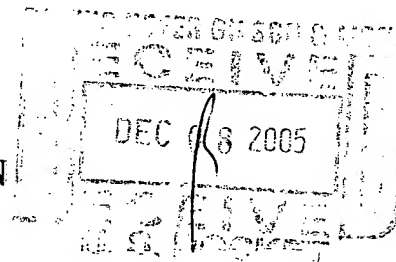
11/30/2005

BRINKS HOFER GILSON & LIONE

P.O. BOX 10395

CHICAGO, IL 60610

ISSUE NOTIFICATION



The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 415 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571) 272-4200.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Donn M. Dennis, Gainesville, FL;
Charles R. Martin, Gainesville, FL;
Timothy E. Morey, Gainesville, FL;
Richard E. Partch, Potsdam, NY;
Dinesh O. Shah, Gainesville, FL;
Manoj Varshney, Gainesville, FL;

APPENDIX G

Printer Friendly

09/978,344 A NANOSIZE PARTICLE FOR DETOXIFICATION AND DECONTAMINATION

Patent Term Adjustment History

| Patent Term Adjustment (PTA) for Application Number: 09/978,344 | | | |
|---|--|-----------------------------|----------------|
| | | | Days |
| Filing or 371(c) Date: | 10-16-2001 | USPTO Delay (PTO): | 595 |
| Issue Date of Patent: | - | Three Years: | - |
| Pre-Issue Petitions (days): | +0 | Applicant Delay (APPL): | 212 |
| Post-Issue Petitions (days): | +0 | Total PTA: | 415 |
| USPTO Adjustment(days): | 532 | Explanation Of Calculations | |
| Patent Term Adjustment History | | | |
| Date | Contents Description | PTO(Days) | APPL (Days) |
| 11-30-2005 | PTA 36 Months | ↑ | |
| 11-07-2005 | Dispatch to FDC | ↑ | |
| 09-30-2005 | Petition Decision - Granted in Part | ↑ | |
| 09-26-2005 | Adjustment of PTA Calculation by PTO | ↑ | |
| 09-26-2005 | Adjustment of PTA Calculation by PTO | ↑ | 34 |
| 09-26-2005 | Adjustment of PTA Calculation by PTO | ↑ | ↑ |
| 09-26-2005 | Adjustment of PTA Calculation by PTO | 566 | |
| 09-06-2005 | TC Return to Pubs | ↑ | |
| 09-03-2005 | Pubs Case Remand to TC | ↑ | |
| 08-23-2005 | Workflow - Drawings Finished | ↑ | 120 |
| 08-10-2005 | Workflow - Query Request - Finish | ↑ | ↑ |
| 08-03-2005 | Workflow - Query Request - Finish | ↑ | ↑ |
| 07-20-2005 | Workflow - Query Request - Begin | ↑ | ↑ |
| 07-13-2005 | Application Is Considered Ready for Issue | ↑ | ↑ |
| 07-05-2005 | Issue Fee Payment Verified | ↑ | ↑ |
| 07-05-2005 | Issue Fee Payment Received | ↑ | ↑ |
| 06-27-2005 | Petition Entered | ↑ | ↑ |
| 04-07-2005 | Mail Notice of Allowance | ↑ | ↑ |
| 04-07-2005 | Mail Examiner's Amendment | ↑ | ↑ |
| 04-06-2005 | Notice of Allowance Data Verification Completed | ↑ | ↑ |
| 04-06-2005 | Case Docketed to Examiner in GAU | ↑ | ↑ |
| 04-06-2005 | Examiner's Amendment Communication | ↑ | ↑ |
| 02-14-2005 | Date Forwarded to Examiner | ↑ | ↑ |
| 01-31-2005 | Response after Non-Final Action | ↑ | 24 |
| 01-31-2005 | Workflow incoming amendment IFW | ↑ | ↑ |
| 01-18-2005 | Mail Notice of Informal or Non-Responsive Amendment | ↑ | ↑ |
| 01-18-2005 | Date Forwarded to Examiner | ↑ | ↑ |
| 01-07-2005 | Informal or Non-Responsive Amendment after Examiner Action | ↑ | ↑ |
| 01-07-2005 | Response after Non-Final Action | ↑ | 2 |

| | | | |
|------------|--|-----|-----|
| 01-07-2005 | Workflow incoming amendment IFW | ↑ | ↑ |
| 10-05-2004 | Mail Non-Final Rejection | ↑ | ↑ |
| 10-01-2004 | Non-Final Rejection | ↑ | |
| 07-19-2004 | Date Forwarded to Examiner | ↑ | |
| 07-02-2004 | Response to Election / Restriction Filed | ↑ | |
| 07-02-2004 | Workflow incoming amendment IFW | ↑ | |
| 06-18-2004 | Mail Restriction Requirement | 550 | |
| 06-18-2004 | Requirement for Restriction / Election | ↑ | |
| 05-26-2004 | Case Docketed to Examiner in GAU | ↑ | |
| 01-28-2004 | Case Docketed to Examiner in GAU | ↑ | |
| 12-15-2003 | Preliminary Amendment | ↑ | |
| 10-06-2003 | Application Is Now Complete | ↑ | |
| 10-03-2003 | Application Return from OIPE | ↑ | |
| 10-03-2003 | Pre-Exam Office Action Withdrawn | ↑ | |
| 10-03-2003 | Application Return TO OIPE | ↑ | |
| 10-03-2003 | Application Is Now Complete | ↑ | |
| 10-02-2003 | Application Return from OIPE | ↑ | |
| 10-02-2003 | Application Return TO OIPE | ↑ | |
| 10-02-2003 | Application Dispatched from OIPE | ↑ | |
| 10-02-2003 | Application Is Now Complete | ↑ | |
| 10-01-2003 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 09-08-2003 | Preliminary Amendment | ↑ | |
| 09-08-2003 | Additional Application Filing Fees | ↑ | 566 |
| 09-08-2003 | Applicant has submitted a new specification to correct Corrected Papers problems | ↑ | ↑ |
| 02-06-2003 | Change in Power of Attorney (May Include Associate POA) | ↑ | ↑ |
| 02-05-2003 | Correspondence Address Change | ↑ | ↑ |
| 12-12-2002 | Preliminary Amendment | ↑ | |
| 02-12-2002 | Additional Application Filing Fees | ↑ | ↑ |
| 02-12-2002 | A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic | ↑ | ↑ |
| 02-12-2002 | Applicant has submitted a new specification to correct Corrected Papers problems | ↑ | ↑ |
| 12-11-2001 | Reference capture on IDS | ↑ | |
| 12-11-2001 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 11-19-2001 | Notice Mailed--Application Incomplete--Filing Date Assigned | ↑ | ↑ |
| 11-16-2001 | Correspondence Address Change | ↑ | |
| 10-29-2001 | IFW Scan & PACR Auto Security Review | ↑ | |
| 10-16-2001 | Initial Exam Team nn | ↑ | |

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APPENDIX D



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 09/978,344 | 10/16/2001 | 1614 | 561 | 11509/8 | 9 | 22 | 2 |

00757
 BRINKS HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, IL 60611

CONFIRMATION NO. 4615

UPDATED FILING RECEIPT



OC000000010983469*

Date Mailed: 10/06/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Donn M. Dennis, Gainesville, FL;
 Charles R. Martin, Gainesville, FL;
 Timothy E. Morey, Gainesville, FL;
 Richard E. Partch, Potsdam, NY;
 Dinesh O. Shah, Gainesville, FL;
 Manoj Varshney, Gainesville, FL;

Domestic Priority data as claimed by applicant

This appin claims benefit of 60/281,293 04/03/2001

Foreign Applications

If Required, Foreign Filing License Granted: 11/16/2001

Projected Publication Date: 01/15/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title



UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/978,344 | 10/16/2001 | Donn M. Dennis | 11509/8 | 4615 |

757 7590 06/18/2004

 BRINKS HOFER GILSON & LIONE
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 CHICAGO, IL 60610

EXAMINER

SRIVASTAVA, KAILASH C

ART UNIT

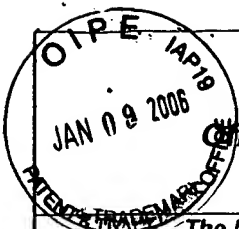
PAPER NUMBER

1651

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 BRINKS HOFER GILSON & LIONE
 RECEIVED
 JUN 21 / 004
 RECEIVE
 U. S. DOCKET



Office Action Summary

Application No.

09/978,344

Applicant(s)

DENNIS ET AL.

Examiner

Dr. Kailash C. Srivastava

Art Unit

1651

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 21-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1651.
2. The assigned Examiner to your application in the USPTO is Dr. Kailash. C. Srivastava. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Examiner Kailash C. Srivastava in Art Unit 1651.
3. Applicants' Preliminary amendments filed August 20, 2002; December 12, 2002 and September 8, 2003 respectively are acknowledged and entered.
4. Claims 1-20 have been cancelled.
5. Claims 21-42 have been added.
6. Claims 21-42 are pending

Election /Restriction

7. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Group I, consisting of claims 21-32 drawn to a composition, classified under Class 435, subclass 262, for example.
 - Group II, consisting of claims 33-42 drawn to treat chemical intoxication in a subject, classified under Class 424, subclass 406, for example.
8. The inventions are distinct, each from the other because of the following reasons:

Inventions in Groups I-II are related to each other as product and use thereof. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product [MPEP § 806.05(h)]. In the instant case, the detoxification method to treat intoxication in a subject can be accomplished with a variety of pharmaceuticals/products available in the market place. Alternatively the product may be applicable for detoxifying any material (e.g., Industrial wastewater/ contaminated site).

The inventions discussed above are independent and distinct, each from the other. They have acquired a separate status in the art as a separate subject for inventive effect and require independent searches. The search for each one of the above inventions is not coextensive particularly with regard to the literature search. Further, a reference that would anticipate the invention of one group would not necessarily anticipate or even make obvious another group. Finally, the consideration for patentability is different in each case. Thus, it would be an undue burden to examine all of the above inventions in one application.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification (i.e., class and subclass), and their recognized diverse subject matter, restriction for examination purposes as indicated is proper.


9. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

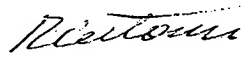
10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571)-271-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (571)-271-0926 Monday through Thursday. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.


Kailash C. Srivastava, Ph.D.
Patent Examiner
Art Unit 1651
(571)-271-0923


RALPH GITOMER
PRIMARY EXAMINER
GROUP 1200

June 15, 2004